

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

The written description portion of the specification, the claims, and the abstract of the disclosure have been amended. Claim 2 has been canceled without prejudice or disclaimer. New claim 14 has been added. Claims 1 and 3-14 are now pending in the application. Claims 1 and 14 are independent. The objections and rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

The specification has been editorially amended for conformance with 37 CFR § 1.77(c), for consistency, and to correct any informalities. The abstract has been editorially amended for conformance with 37 CFR § 1.72(b). The claims have been amended to overcome the rejection under 35 U.S.C. § 112, second paragraph, and in general to more fully comply with U.S. practice.

Claim 1 has been amended to incorporate a feature of the invention previously presented in now-canceled claim 2. New claim 14 has been added to further define the scope of protection sought for Applicant's invention.

Entry of each of the amendments is respectfully requested.

The objection to the drawings is respectfully traversed. Claim 11 defines an embodiment of the lighter in which the plastic

information carrier is configured discoidally. Applicant respectfully submits that an illustration of this embodiment of the information carrier is not necessary to an understanding of the invention. Drawing Figures 3 and 4 depict an embodiment of the information carrier 9 that is rectangular in shape. One skilled in the art would readily appreciate that instead of being rectangular, the information carrier could be shaped as a disk. Reconsideration and withdrawal of the objection to the drawings are respectfully requested.

35 U.S.C. § 103(a) - Kim, Baker or Yingst, and JP '457 or FR '937

Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,447,430 to Kim et al. (hereinafter "Kim") in view of U.S. Patent No. 1,457,811 to Baker or U.S. Patent No. 1,352,336 to Yingst and further in view of JP 03-69457 ("JP '457") or FR 2549937 ("FR '937").

The rejection of claims 1-13 based on Kim, Baker or Yingst, and JP '457 or FR '937 is respectfully deemed to be obviated. For at least the following reasons, the combined disclosures of Kim, Baker or Yingst, and JP '457 or FR '937 would not have rendered obvious Applicant's claimed invention.

Applicant's invention is directed to a lighter that includes an information carrier, the information of which is initially hidden by the fuel of the lighter and is made gradually visible on use of the fuel. Accordingly, instant claim 1 defines a

lighter that is "configured such that information provided on an information carrier arranged in the fuel tank is at first hidden by the colored fuel and is gradually made visible on use of the colored fuel." See instant specification page 4, first paragraph, where it is disclosed that the fuel

is colored in such a way that it allows the information present on an Information Carrier 9 arranged in the fuel chamber 2 to be noticed and/or become visible, only when said fuel is gradually consumed during the use of the lighter 1. In order for the Information Carrier 9 and/or the information present thereon to become visible, the housing 3 is made to be transparent, e.g. from a transparent plastic material. Alternatively, if said housing 3 is not made of a transparent material, it comprises a window 10, which gradually releases the view of the Information Carrier as the fuel 5 is consumed, as illustrated in figure 4.

The combined disclosures of Kim, Baker or Yingst, and JP '457 or FR '937 do not teach all of Applicant's claim features. Kim simply discloses a pressurized butane or naphtha lighter with a transparent reservoir for containing a pressurized liquid and coloring means for coloring the liquid.

Baker teaches a displacement element for *liquid measuring vessels*, designed to make possible accurate measurement therein by using a standard linear scale. This refers not to a lighter, and certainly not to the inventive idea to hide the information of an information carrier by the fuel of a lighter and to make this information gradually visible on use of the fuel. The detection of the level of a liquid behind a scale line has nothing to do with the present invention. Baker fails to disclose any feature

comparable with the information carrier of the present invention and with the special color of the fuel that hides the information of the information color.

Yingst discloses an advertising device in the form of a transparent bottle (not comparable with a lighter) in which a longer member 2 is arranged which has a shorter transverse member fixed thereto by a rivet 4. Yingst teaches that the characters written on these members are "clearly discernible" (column 1, lines 11-15). The disclosure of Yingst has nothing to do with the present invention, where the information is hidden by the fuel of the lighter.

FR '937 discloses a lighter with a transparent inspection window for determining the level of fuel. FR '937 fails to teach Applicant's claimed features of the information carrier and the colored fuel. The same applies to JP '457, which is directed not to a lighter, but to a liquid container.

Furthermore, there is simply no teaching in any of Kim, Baker or Yingst, and JP '457 or FR '937 that would have led one to select the references and combine them, let alone in a way that would produce the invention defined by Applicant's claim 1.

Therefore, the combined disclosures of Kim, Baker or Yingst, and JP '457 or FR '937 would not have rendered obvious the invention defined by claim 1. Claims 3-13 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

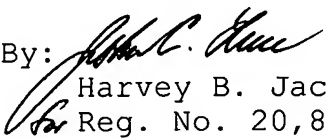
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New claim 14 has been added to further define the scope of protection sought for Applicant's invention. New claim 14 is also allowable. Since independent claim 14 includes at least the features discussed above with respect to the rejection over Kim, Baker or Yingst, and JP '457 or FR '937, the references neither anticipate nor would have rendered obvious the lighter defined by claim 14.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By:  Reg. No. 34,378
Harvey B. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, N. W.
Washington, D.C. 20004
Telephone: (202) 638-6666
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